

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
vs.)	CRIMINAL ACTION
)	NO. 05-40021-FDS
LEO BEATTY,)	
Defendant,)	
_____)	

ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION
May 18, 2005

SWARTWOOD, C.M.J.

I. Nature of the Offense and the Government's Motion

On April 21, 2005, an Indictment was returned charging Leo Beatty ("Mr. Beatty"), in Counts One through Four, with distribution of cocaine base, in violation of 21 U.S.C. §841(a)(1) and aiding and abetting, in violation of 18 U.S.C. §2. There is included in this Indictment a forfeiture allegation in accordance with 21 U.S.C. §853.

At Mr. Beatty's initial appearance in connection with this Indictment, the Government moved for a detention hearing in accordance with 18 U.S.C. §§3142(f)(1)(A) (Mr. Beatty has been charged with a crime of violence), (f)(1)(B) (if Mr. Beatty is convicted of the offenses charged in this Indictment, he faces a potential life sentence), (f)(1)(C) (Mr. Beatty is charged with an offense which provides for a maximum term of imprisonment of ten years or more is prescribed in the "Controlled Substances Act") (21

U.S.C. § 801 *et seq.*)), (f)(1)(D)(Mr. Beatty is charged with a felony and has previously been convicted of two or more offenses described in paragraphs (A) through (C) of Section 3142(f)(1), or two or more state or local offenses that would have been offenses described in paragraphs (A) through (C) of such section if federal jurisdiction had existed) and (f)(2)(A)(risk of flight).

On May 17, 2005, Mr. Beatty was arraigned in connection with this Indictment and following his arraignment he assented to an Order of Detention, but reserved his right to a detention hearing in the future.

II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Mr. Beatty be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Beatty be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Beatty is detained and confined shall deliver Mr. Beatty to an authorized Deputy United States

Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145 (b) .

/S/CHARLES B. SWARTWOOD, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE